

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 17, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Joshua K. Ivie, Supervising Deputy Clerk
Julie Rollins, Utah County Purchasing Agent
Diane Garcia, Utah County Assessor's Office
Peter A. Jeppsen, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Steve Alder, Utah County Health Department
Ralph Clegg, Utah County Health Department
Dana Cundiff, Utah County Health Department
Bryce C. Larsen, Utah County Health Department
Robert Johnson, Drug&Alcohol Prevention&Treatment
Lana Jensen, Utah County Personnel Director
Mark Brady, Assistant Personnel Director
Richard Nielson, Utah County Public Works Director

Andrea Allen, Utah County Recorder's Office
Robyn Jacob, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Dalene Higgins, Utah County Sheriff's Office
Jerry Monson, Utah County Sheriff's Office
Cathy Davies, Utah County Justice Court
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
Charlene Christensen, Utah Valley Convention & Visitors
Joel Racker, Utah Valley Convention & Visitors Bureau
Dan Williams, Utah Valley Convention & Visitors Bureau
Bradley Weber, Evanson Weber PLLC
Larry Ballard, Utah County Resident
Taylor Oldroyd, Utah County Association of Realtors
Bradley Weber, Evanson Weber PLLC
Jeanne Gomm, -No further information given-
Ryan Henderson, -No further information given-
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:08 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Mike Stansfield, Fairways Media

Commissioner Anderson took a somber moment of personal privilege to express gratitude for condolences and heartfelt sympathy extended to him in the last few days, following the sudden passing of his sister.

PUBLIC HEARING

**PUBLIC HEARING TO DISCUSS, CONSIDER, AND RECEIVE PUBLIC COMMENTS
CONCERNING THE YEAR 2014 BUDGETS FOR THE GENERAL FUND AND OTHER
BUDGETARY FUNDS OF UTAH COUNTY, UTAH (*Public Hearing set October 29, 2013*)
(*Continued from the December 3 and December 10, 2013 Commission meetings*)**

Utah County Clerk/Auditor Bryan E. Thompson summarized the 2014 Budget for the General Fund of \$73,103,505.00. Commissioner Anderson commended Mr. Thompson, County Department Heads, and county employees for their input and compromise on balancing the budget. He mentioned the desire to provide more funds to the Utah County Sheriff's Office and the Utah County Public Works Department, but this is the best that could be done.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 2

Commissioner Anderson acknowledged that there is not 100% satisfaction for any office, explaining that Elected Officials and Department Heads would need to prioritize and make harder calls in the next year.

Commissioner Anderson made the motion to close the Public Hearing to discuss the Year 2014 Budgets for the General Fund and other budgetary funds of Utah County, Utah as specified on the agenda. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A LETTER TO DEE W. HENDERSON AND TAMMY C.E. HENDERSON, TRUSTEES, TAMMY C.E. HENDERSON, TRUST, U/A/D THE 26TH DAY OF AUGUST, 2005, REGARDING THE USE OF THE OUTBUILDING LOCATED AT 8958 SOUTH 6000 WEST, UTAH COUNTY, UTAH FOR A PUBLIC HEARING REGARDING THE PROPOSED INCORPORATION OF WEST MOUNTAIN CITY ON TUESDAY, DECEMBER 17, 2013 AT 6:00 PM**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT FOR JUSTICE COURT USE OF WEB SERVICES WITH THE UTAH ADMINISTRATIVE OFFICE OF THE COURTS (AOC)**
- 3. APPROVE REQUESTED EXEMPTIONS ON LIST DATED DECEMBER 10, 2013, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$4,000 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2013**
- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 271, DATED DECEMBER 10, 2013**
- 5. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER 60300, DATED DECEMBER 12, 2013**
- 6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**
- 7. APPROVE THE MINUTES OF THE DECEMBER 3, 2013 COMMISSION MEETING**
- 8. APPROVE THE MINUTES OF THE DECEMBER 10, 2013 COMMISSION MEETING**
- 9. RATIFICATION OF PAYROLL**

Period 25	2 Checks: \$ 772.84	1,096 Total Deposits: \$1,636,607.59	Total: \$1,637,380.43
		Federal Payroll Taxes	Total: \$ 229,561.46
- 10. RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 1,106	December 09, 2013	Direct Deposit: 18362-18365	Total: \$ 6,264.84
Register No. 1,107	December 09, 2013	Check Nos. 188363-188387	Total: \$ 30,520.57

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 17, 2013

Page 3

Register No. 1,108	December 09, 2013	Purchasing Cards 1058-1086	Total: \$	7,555.62
Register No. 1,109	December 09, 2013	Check Nos. 188388-188409	Total: \$	10,816.39
Register No. 1,110	December 09, 2013	Check Nos. 188410-188410	Total: \$	6,060.00
Register No. 1,111	December 10, 2013	Direct Deposit:18366-18383	Total: \$	7,512.05
Register No. 1,112	December 10, 2013	Check Nos. 188411-188429	Total: \$	6,188.53
Register No. 1,113	December 10, 2013	Check Nos. 188430-188482	Total: \$	2,148.00
Register No. 1,114	December 10, 2013	Bond Wires:199-201	Total: \$	11,556.33
Register No. 1,115	December 10, 2013	Check Nos. 188483-188488	Total: \$	3,535.00
Register No. 1,116	December 11, 2013	Purchasing Cards 1087-1087	Total: \$	350.00
Register No. 1,117	December 11, 2013	Direct Deposit:18384-18395	Total: \$	5,763.47
Register No. 1,118	December 11, 2013	Check Nos. 188489-188534	Total: \$	31,981.91
Register No. 1,119	December 11, 2013	Direct Deposit:18396-18397	Total: \$	5,379.61
Register No. 1,120	December 11, 2013	Purchasing Cards 1088-1106	Total: \$	3,357.48
Register No. 1,121	December 11, 2013	Check Nos. 188535-188551	Total: \$	28,487.59
Register No. 1,122	December 11, 2013	Direct Deposit:18398-18430	Total: \$	7,739.23
Register No. 1,123	December 11, 2013	Check Nos. 188552-188580	Total: \$	6,211.29
Register No. 1,124	December 11, 2013	Check Nos. 188581-188590	Total: \$	372.00
Register No. 1,125	December 12, 2013	Direct Deposit:18431-18449	Total: \$	5,126.25
Register No. 1,126	December 12, 2013	Check Nos. 188591-188594	Total: \$	4,276.81
Register No. 1,127	December 12, 2013	Bond Wires:202-203	Total: \$	26,856.00
Register No. 1,128	December 12, 2013	Purchasing Cards 1107-1129	Total: \$	3,882.57
Register No. 1,129	December 12, 2013	Check Nos. 188595-188599	Total: \$	40,798.31
Register No. 1,130	December 12, 2013	Direct Deposit:18450-18457	Total: \$	804,170.20
Register No. 1,131	December 12, 2013	Check Nos. 188599-188610	Total: \$	81,237.88
Register No. 1,132	December 13, 2013	Direct Deposit:18458-18458	Total: \$	20.00
Register No. 1,133	December 13, 2013	Purchasing Cards 1130-1146	Total: \$	2,264.24
Register No. 1,134	December 13, 2013	Check Nos. 188611-188656	Total: \$	61,066.68
Register No. 1,135	December 13, 2013	Check Nos. 188657-188687	Total: \$	78,792.09
		Total:	\$	<u>\$1,290,290.94</u>

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A RETIREMENT PLAN CONSULTING SERVICES AGREEMENT WITH NFP SECURITIES AND ITS REPRESENTATIVE JEFFREY SCOTT OF FIRSTWEST BENEFITS SOLUTIONS (DBA FIRSTWEST RETIREMENT SOLUTIONS) TO PROVIDE INDIVIDUAL ADVICE SERVICES TO PLAN PARTICIPANTS**
(Continued from the December 10, 2013 Commission meeting)

Commissioner Ellertson suggested that Regular Agenda Item No. 2 be continued to a future meeting of the Board.
CONTINUED TO JANUARY 14, 2013

- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO AGREEMENT NO. 2012-837 WITH HIGH LINE CORPORATION TO UPGRADE TO UNLIMITED REPORT WRITING SOFTWARE**

- 4. ADOPT A RESOLUTION ADOPTING THE 2014 MILEAGE REIMBURSEMENT RATE FOR UTAH COUNTY EMPLOYEES FOR COUNTY BUSINESS TRAVEL**

Utah County Clerk/Auditor Bryan E. Thompson clarified for Commissioner Anderson that the rate has dropped from 56.5 cents per mile to 56 cents.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 17, 2013

Page 4

8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT BETWEEN THE UTAH COUNTY HEALTH DEPARTMENT AND THE UTAH STATE DEPARTMENT OF HEALTH FOR THE EPIDEMIOLOGY C-5 CLUSTER GRANT**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE PORTER ROCKWELL DISTRICT OF THE BOY SCOUTS OF AMERICA TO USE BB GUNS AND ARCHERY EQUIPMENT AT WILLOW PARK FOR THE DISTRICT'S ANNUAL CUB SCOUT DAY CAMPS TO BE HELD DURING THE SUMMER OF 2014**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2014 FUNDING OBLIGATION DOCUMENT WITH THE UNITED STATES MARSHALL SERVICE**
16. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$18,000.00 TO THE CENTER FOR WOMEN & CHILDREN IN CRISIS FOR FACILITY ASSISTANCE**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2014 AGREEMENT BETWEEN UTAH COUNTY AND THE UTAH COUNTY PUBLIC DEFENDERS ASSOCIATION**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2014 AGREEMENT BETWEEN UTAH COUNTY AND THE UTAH VALLEY CONVENTION AND VISITOR'S BUREAU, INC.**
19. **SET A DATE, TIME AND LOCATION FOR A PUBLIC HEARING TO DISCUSS THE POTENTIAL SALE OF PARCELS OF REAL PROPERTY OWNED BY UTAH COUNTY, CONSISTING OF PROPERTIES IDENTIFIED AS TAX SERIAL NUMBERS 05:013:0008, 05:013:0010, 05:013:0011, 05:013:0017, AND 05:013:0019, LOCATED AT OR NEAR 50 EAST, 200 SOUTH, PROVO, UTAH; SUGGESTED DATE: TUESDAY, JANUARY 7, 2013 AT 9:00 AM IN ROOM 1400 OF THE COUNTY ADMINISTRATION BUILDING, 100 EAST CENTER, PROVO, UTAH**
21. **ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF UTAH COUNTY APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND THE REDEVELOPMENT AGENCY OF LEHI CITY (*Continued from the December 10, 2013 Commission meeting*)**

There was some discussion between Commissioner Ellertson and Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg regarding the high county maximum dollar contribution specified in the agreement.
22. **ADOPT RESOLUTION OF APPOINTMENT OF COMMISSIONER DOUG WITNEY TO THE BOARD OF DIRECTORS OF THE PROVO CITY/UTAH COUNTY ICE SHEET AUTHORITY**
23. **ADOPT RESOLUTION OF APPOINTMENTS TO THE UTAH COUNTY BOARD OF HEALTH**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 9 and 10 were ratified; No. 2 was approved and authorized; Nos. 3, 4, 5, 7, and 8 were approved; and No. 6 was adopted. Regular Agenda Item No. 2 was continued to the January 14, 2014 meeting of the Board; Nos. 3, 8, 10, 13, 16, 17, and 18 were approved and authorized; Nos. 4, 21, 22 and 23 were adopted; and No. 19 was set for the date, time and location specified.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 5

AGREEMENT NOS.: 2013-805, 2013-806, 2013-807, 2013-808, 2013-809, 2013-810, 2013-811, 2013-812, 2013-813, 2013-814, 2013-815, 2013-816 and 2013-817

RESOLUTION NOS.: 2013-168, 2013-169, 2013-170 and 2013-171

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE YEAR FOR 2013: JESSIE LLOYD
Jessie Lloyd of the Utah County Attorney's Office was recognized as the Utah County Employee of the Year for 2013!

5. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY BRADLEY WEBER, ATTORNEY REPRESENTING CHAD MOFFAT RELATED TO PARCEL SERIAL NO. 48:362:0002
(Continued from the October 8, November 5, November 19, November 26, and December 3, 2013 Commission meetings)

Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor's Office noted that the parties involved in this Tax Sale Protest (the protesting original owner and the winning bidder) have come to an agreement between themselves, and would like Commission assistance on a final note in concluding this matter.

Bradley Weber stepped forward on behalf of his client Chad Moffat, who is located in Boise, Idaho and could not be present at the meeting today. He reminded the Board that they had previously recommended the protesting parties work out a resolution, which has been in the works for the last two months. Mr. Weber stated a settlement agreement has been drafted, contingent upon Utah County's release of the bid-up margin funds, or any residual money after taxes were paid - approximately \$32,500.00. Provo Title Company is also involved. Ryan Henderson and David Bath, the winning bidders of the property, confirmed that all parties are in agreement and are only awaiting the county decision regarding the extra funds.

Utah County Deputy Attorney David Shawcroft explained that the involved parties have requested Utah County make payment directly to them. However, Utah State Legislature has established the procedures to follow in circumstances such as this; specifically, for Utah County to submit the funds to the state's Unclaimed Property Division. The petitioners would then file a claim to access those funds.

Commissioner Anderson questioned whether there is any way to bypass the Unclaimed Property Division, and Commissioner Ellertson asked what would occur if the Board simply did not ratify the Tax Sale? David Shawcroft clarified that the funds would be returned to the winning bidder if the sale was set aside. Commissioner Witney asked about ramifications in setting the sale aside, and Mr. Shawcroft noted it would have to be with the consent of the parties. Commissioner Anderson asked if this would be amenable; David Bath, Ryan Henderson, and Bradley Weber all indicated they would consent to that decision.

Discussion continued between the Commissioners, David Shawcroft, David Bath, Ryan Henderson, and Bradley Weber regarding the process for reimbursement. Commissioner Anderson mentioned Utah County being held harmless and the Utah County Attorney's Office approving the accommodation. Mr. Shawcroft addressed title transfer issues, deeds, and documents that would be required to finalize the issue.

Commissioner Anderson made the motion to set aside the Tax Sale related to Parcel Serial No. 48:362:0002, subject to the applicants providing the documents requisite acceptable to Utah County Deputy Attorney David Shawcroft, and authorizing Utah County Clerk/Auditor Bryan E. Thompson to sign the coordinating Quit Claim Deed as discussed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 6

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-818

6. APPROVE THE PROPOSED VOTING PRECINCT BOUNDARY CHANGES TO THE AFFECTED UTAH COUNTY VOTING PRECINCTS

Joshua K. Ivie of the Utah County Clerk/Auditor's Office - Elections Department came forward. He summarized that most of these minor changes to Utah County voting precincts have already been implemented by the Utah Lieutenant Governor's Office; the county would like to update records to match. Commissioner Ellertson asked if the changes have all been vetted, and Utah County Clerk/Auditor Bryan E. Thompson commented on the technical ongoing process that will not have major impact. Mr. Ivie addressed the maps and Mr. Thompson added an explanation about annexations.

Utah County Deputy Attorney Robert J. Moore noted the West Mountain boundaries. There is a pending application for the incorporation of the city; statute specifies that petition signatures must be within their voting precinct. West Mountain currently has zero precincts within the proposed city, which would frustrate the purpose of the statute - each signature on the petition would not technically be within a voting precinct.

Commissioner Anderson questioned whether Utah County could be accused of enabling the West Mountain Incorporation process. Robert J. Moore acknowledged that it is possible, but the county is only attempting to satisfy statute. Commissioner Anderson summarized that there could potentially be backlash from either side of the application, reiterating that action on the boundaries is only to give the process a chance to work itself out. Mr. Moore agreed, confirming that votes and other standards would still need to be met before incorporation.

Commissioner Ellertson mentioned that this issue has previously come up. Robert J. Moore clarified that earlier situations were part of a different process related to the incorporation of a town. Since West Mountain would have a population of more than 1,000 instead of less than 1,000, it must follow the guidelines for a city rather than a town. Mr. Moore noted that working with Chief Deputy Clerk/Auditor Scott C. Hogensen led to the realization that the legal process cannot move forward without these changes; it is being addressed as it unfolds.

Commissioner Ellertson compared the situation to the question of "Which came first - the chicken or the egg?," questioning how the state can demand voting precincts be in place before a city is established? Robert J. Moore agreed that this is an interesting circumstance. Utah County Clerk/Auditor Bryan E. Thompson added that Utah County does not take any position on whether or not West Mountain should be incorporated as a city, mentioning the outside feasibility study and laws preventing individual bias. Mr. Moore expressed appreciation for Mr. Thompson's statements.

Commissioner Ellertson asked about consequences in not approving the voting precinct boundary changes by the end of the year, and Robert J. Moore noted that the applicants have one year to file the petition to incorporate West Mountain. Mr. Moore reiterated that the petition cannot be filed if the precincts are not established, quoting Utah State Code 10-2-109. Commissioner Ellertson asked if existing ledge boundaries are being changed. Bryan E. Thompson clarified that the suggestions are only following the lines in creating a new precinct and calling it Utah County West Mountain, recognizing that it is still an unincorporated area. It is being 'carved' from Voting Precinct Payson 06. Commissioner Witney mentioned for the record that West Mountain is only a small portion of these precinct boundary changes, and the need to comply with state law.

There was some discussion between Commissioner Ellertson, Robert J. Moore, and Bryan E. Thompson regarding the West Mountain Incorporation petition filing process, sending out notices to residents, and urgency of the matter.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 7

Commissioner Anderson made the motion to approve the proposed Voting Precinct Boundary Changes as detailed in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-819

7. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY VEHICLE EMISSION INSPECTION/MAINTENANCE PROGRAM

Utah County Health Department Deputy Director Ralph Clegg approached the bench with Steve Alder, Environmental Health Bureau Director to address the ordinance amendments. Mr. Alder summarized that Appendix G has been added to address "Fix It" tickets, and Appendix A has been completely re-written at the recommendation of the Environmental Protection Agency (EPA).

Commissioner Ellertson asked about maximum inspection fees, and Steve Alder explained that the prices are market driven; the companies compete with each other to keep the fees lower. Mr. Alder also mentioned that all fees are posted on the website to allow the public to compare prices.

Commissioner Ellertson asked about the classifications between diesel and non-diesel vehicles, specifically regarding the term "sufficiently repaired." If a vehicle does not pass the emissions portion, is there a cap in place for how much must be spent to repair it? Steve Alder referred to Appendix G: Smoking Vehicle Test Procedures. Commissioner Ellertson expressed concern over undue financial burden being placed upon drivers, and Commissioner Witney recalled a fee in order to be able to drive while out of compliance.

Dana Cundiff of the Utah County Health Department came forward to clarify that the waiver under discussion has never applied to smoking vehicles. Ralph Clegg added that smoking vehicles are addressed by state codes; the Utah County Ordinance is an attempt to coordinate with those laws. Commissioner Witney indicated that the air pollution is a major concern; particulate matter must be addressed and Utah County must be in compliance. Commissioner Ellertson responded that continuing to comply with more and more stringent restrictions are detrimental to everyone. He expressed concern that some people will be without transportation because of these regulations.

Steve Alder explained that the smoking vehicle section of the ordinance was added to facilitate and encourage clean air. Commissioner Anderson summarized Commissioner Ellertson's point of regulating ourselves out of business; he agreed with that sentiment, but acknowledged that these ordinance amendments provide a way to deal with individuals out of compliance. Ralph Clegg noted that the law has always been in place; Utah County only has not had a defined procedure. They further discussed the definition of "sufficiently repaired" (meaning no visible smoke) and the relation of it to vehicle type and age. The Board also spoke about monitoring smoking vehicles, remote sensors for carbon monoxide testing, and deliberate vehicle tampering.

Commissioner Anderson made the motion to adopt the ordinance amending the Utah County Vehicle Emission Inspection/Maintenance Program as defined in Regular Agenda Item No. 7.

Because there was lack of a second, Commissioner Witney briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 8

The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
NAY: Larry A. Ellertson**

ORDINANCE NO. 2013-12

9. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH AMERICAN FORK CITY REGARDING THE CONSTRUCTION OF NORTH COUNTY BOULEVARD

Utah County Public Works Director Richard Nielson summarized the purpose of this agreement to reimburse Utah County for utility work performed for American Fork City on curb and gutter. Mr. Nielson note the dollar amount of \$229,616.00.

Commissioner Anderson made the motion to approve and authorize the interlocal cooperation agreement with American Fork City regarding the construction of North County Boulevard as described in Regular Agenda Item No. 9. The motion was seconded by Commissioner Ellertson, and discussion continued.

Richard Nielson covered the items that will be provided within the agreement. Commissioner Ellertson noted the fifty-year life of the agreement, indicating that the provisions would go for much longer. When Utah County Civil Division Chief Attorney E. Kent Sundberg explained that fifty years is the maximum life for an interlocal agreement, Commissioner Ellertson questioned why another type of agreement could not be used. Utah County Deputy Attorney Paul Jones clarified that the deeds are not limited by this interlocal agreement, and will last in perpetuity. The Board reviewed line items within the agreement.

The motion carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-820

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CHANGE ORDER TO AGREEMENT NO. 2011-373 WITH CONDIE CONSTRUCTION IN THE AMOUNT OF \$384,675 FOR MOBILIZATION, TRAFFIC CONTROL, AND PIPE MATERIALS

Utah County Public Works Director Richard Nielson explained that Utah County has been working with Santaquin City, Summit Creek Irrigation, and Highline Canal Company to address water issues related to Summit Creek, specifically high Spring runoff. An earlier project routes the waters through an orchard; this is the second part of that project to continue the flow along Highway 6. From there, Highline Canal will be able to disperse the water through their system. Commissioner Ellertson asked if this prevents cutting through a second orchard, and Mr. Nielson confirmed.

Richard Nielson explained that the change order with Condie Construction came about because the project requires a similar type of pipe that was used for work on North County Boulevard; similar line items were compared with the help of Utah County Purchasing Agent Julie Rollins and Utah County Deputy Attorney Paul Jones. This will not be paid from the North County Boulevard project monies, as it is part of the loan and grant secured from the state by Summit Creek Irrigation. Mr. Nielson summarized that Utah County will pay the contractors, and reimbursements will be contracted between Summit Creek and Utah County for the next twenty years.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 17, 2013

Page 9

Utah County Clerk/Auditor Bryan E. Thompson noted for the record his opinion that it is not good practice to approve a change order on a contract for North County Boulevard when dealing with a separate project in Santaquin. It would be more clean to treat this is a separate project rather than amend an agreement that is now already two years old. Commissioner Anderson questioned why the Public Works Department has chosen this action, and Richard Nielson replied with statements of confidence in the quality of work and positive past experiences with Condie Construction. Commissioner Anderson agreed with their abilities, but continued to question the procurement process. Mr. Nielson stated that the prices are comparable to original bids received two and a half years ago. Paul Jones confirmed that Condie Construction is staying true to their prices, which is a benefit to the county.

Bryan E. Thompson noted that while Condie Construction provided the lowest bid two and a half years ago, Utah County does not know whether there are other companies that are now in a position to give an even better deal. Richard Nielson clarified that while the contract was not bid, quotes were requested. Commissioner Anderson mentioned that deals are not as good as they used to be, and Mr. Nielson expressed his opinion that current bids would be higher.

Commissioner Ellertson made the motion to approve and authorize the change order to Agreement No. 2011-373 with Condie Construction in the amount of \$384,675 for mobilization, traffic control, and pipe materials as outlined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-821

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A QUOTE AND PURCHASE ADDENDUM WITH SPILLMAN TECHNOLOGIES FOR A SPILLMAN TOUCH - SITE LICENSE (Continued from the December 10, 2013 Commission meeting)

Utah County Deputy Attorney Cort Griffin suggested that the Board condition approval of this agreement upon receipt of either funds, or a signed agreement, from each city for their portion of the purchase price. Commissioner Ellertson added that those contracts make up approximately eighty percent of the total cost. Utah County Sheriff James O. Tracy mentioned that there would be a meeting the next day, and many of the signatures can be obtained then.

Commissioner Anderson made the motion to approve and authorize the quote and purchase addendum with Spillman Technologies for a Spillman Touch-Site License as specified in Regular Agenda Item No. 12. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-822

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CO-SPONSORSHIP AGREEMENT WITH THE UTAH COUNTY ARTS BOARD FOR THE YEAR 2014

Utah County Arts Board President Jeanne Gomm came forward, and Commissioner Anderson commended her creativity and artistic ability. He called Ms. Gomm a dedicated member of the public wanting art perpetuated throughout Utah County. Commissioner Anderson explained that the county has provided \$1,600 to \$1,800 annually, and would like to further support the Arts by committing to a \$5,000 contribution in 2014. Ms. Gomm expressed appreciation for the kind words and generous sponsorship.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 10

Commissioner Anderson made the motion to approve and authorize the Co-sponsorship Agreement with the Utah County Arts Board for the year 2014 as identified in Regular Agenda Item No. 14. The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Ellertson clarified that the dollar amount specified within the contract is actually \$1,600.00; this matches the 2014 General Fund Budget to be adopted in Regular Agenda Item No. 20 (see Page *** of these minutes). Commissioner Anderson expressed exasperation at this error and suggesting delaying adoption of the budget until \$5,000.00 for the Utah County Arts Board could be included in the final resolution. The Board discussed the problem, and Utah County Clerk/Auditor Bryan E. Thompson added that a budget transfer could remedy the situation.

The motion carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-823

15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TO PROVO CITY TO ACKNOWLEDGE THE CURRENT FIBEROPTIC OVERLASHING ARRANGEMENT BETWEEN UTAH COUNTY AND PROVO CITY (IPROVO), AND TO CONSENT TO THE SAME ARRANGEMENT MOVING FORWARD AFTER IPROVO IS SOLD TO GOOGLE FIBER UTAH LLC

Utah County Deputy Attorney Paul Jones explained that Utah County currently has fiberoptic lines throughout Provo City. The city has overlashed, or tied together, some of their lines along the county lines. Utah County Public Works Director added that the lines are on Provo City's power poles. Provo City provided the power poles, Utah County provided the fiberoptic lines, and then Provo City overlapped with their own lines. Commissioner Ellertson asked if that would cause an issue, and Mr. Nielson indicated it should not be a problem as long as Google correctly identifies the fiberoptic lines as belonging to Utah County; communication is key.

Commissioner Ellertson made the motion to approve and authorize the letter to Provo City to acknowledge the current fiberoptic overlashing arrangement between Utah County and Provo City (iProvo), and to consent to the same arrangement moving forward after iProvo is sold to Google Fiber Utah LLC as detailed in Regular Agenda Item No. 15. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-824

20. ADOPT A RESOLUTION APPROVING THE 2014 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH (Continued from the December 3 and December 10, 2013 Commission meetings)

Commissioner Anderson repeated his comments from the Public Hearing on this issue today (see Pages 1 and 2 of these minutes). Utah County Clerk/Auditor Bryan E. Thompson added that revenue has increased by \$1,500,000 since 2013. Commissioner Ellertson praised the departments in working together to accomplish this goal.

Commissioner Ellertson made the motion to adopt the resolution approving the 2014 Budgets for the General Fund and other budgetary funds of Utah County, Utah as outlined in Regular Agenda Item No. 20.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 11

The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

RESOLUTION NO. 2013-173

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

26. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY
STRICKEN

28. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED
STRICKEN

Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 26 and 28 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

24. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Anderson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

25. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the

County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

SET

27. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County resident Larry Ballard came forward to say words in support of Commissioner Ellertson's "Nay" vote regarding the Vehicle Emission Inspection/Maintenance program. Mr. Ballard explained that the PM 2.5* program was imposed on the State of Utah by the federal government, and he is personally skeptical of the science behind the program. Mr. Ballard noted that automobile repair individuals are regulated by insurance companies and can only make a certain amount of money; if production costs are increased by using more expensive filters or changing filters more frequently, they are financially hurt by these environmental issues. At some point and time, these federal intrusions will squeeze too tightly. Commissioner Witney thanked Mr. Ballard for his comments.

*Please refer to the final page of these minutes for additional notations.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:35 A.M. to go into closed meetings. The public meeting reconvened at 11:33 A.M.

Commissioner Ellertson made the motion to adjourn the December 17, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 17, 2013
Page 13

There being no further business nor public comment, the meeting adjourned at 11:33 A.M. The minutes of the December 17, 2013 Commission Meeting were approved as transcribed on January 14, 2014.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant

*Public Comments:

The "PM 2.5" addressed by the Board and Larry Ballard during the Public Comments portion of the meeting (and discussion of Regular Agenda Item No. 7) is in reference to guidelines and rules regarding particulate matter and preventable air pollution as defined by the Environmental Protection Agency. More information can be found on the website for the Utah Department of Environmental Quality - Division of Air Quality: http://www.airquality.utah.gov/Public-Interest/about_pollutants/about_pm.htm